

BY: Atlanta City Council

A RESOLUTION AUTHORIZING THE MAYOR TO EXECUTE THE BELTLINE FRAMEWORK AGREEMENT BETWEEN THE CITY OF ATLANTA, ATLANTA REGIONAL TRANSPORTATION IMPLEMENTATION BOARD, ATLANTA DEVELOPMENT AUTHORITY, ATLANTA REGIONAL COMMISSION, GEORGIA DEPARTMENT OF TRANSPORTATION, GEORGIA REGIONAL TRANSPORTATION AUTHORITY AND THE NATIONAL RAILROAD PASSENGER CORPORATION (AMTRAK); AND FOR OTHER PURPOSES.

WHEREAS, pursuant to Ordinance No. 05-O-1733, adopt on November 7, 2005 and approved by the Mayor on November 9, 2005, the City created Tax Allocation District Number Six - BeltLine (the "BeltLine TAD"); and

WHEREAS, the City, the Atlanta Development Authority and Atlanta Beltline, Inc. in accordance with 05-O-1733 have plans to utilize properties known as the "Decatur Belt Line" along the northeastern side of Atlanta for the "BeltLine Project", an innovative redevelopment effort that will combine greenspace, trails, light rail transit, and new development along 22 miles of historic rail segments that encircle Atlanta's urban core; and

WHEREAS, redevelopment of the Decatur Belt Line requires Norfolk Southern Railway Company, which holds an easement for railroad operations over those properties, to obtain prior approval, or exemption from prior approval requirements, from the Surface Transportation Board ("STB") so that it may abandon rail operations over the Decatur Belt Line and relinquish its easement; and

WHEREAS, GDOT and Amtrak have identified alternative transportation uses of the Decatur Belt Line for the purpose of providing access for intercity, commuter and high-speed passenger rail service to a planned downtown Atlanta intermodal station and hub, known as the Multi Modal Passenger Terminal ("MMPT"), and have opposed abandonment of railroad operations on the Decatur Belt Line; and

WHEREAS, the Parties agree that the BeltLine Project; the development of the MMPT; the development of a Northeast Atlanta Intermodal Station ("the Northeast IMS"); and the improvement of the railroad network in the Atlanta region to facilitate the movement and development of commuter rail, intercity, and high speed passenger rail service and freight rail service are mutually important, desirable for the improvement of transportation services within the Atlanta area, and necessary for the orderly future development of Atlanta and the surrounding region; and

WHEREAS, the Parties also agree that these projects should be pursued in a mutually compatible fashion in order to make it possible for the goals and benefits of all of them to be realized; and

WHEREAS, to achieve this objective, the Parties have agreed to focus their future efforts on actions that would enable commuter, intercity and high-speed passenger rail service that utilize the north-south railroad lines on the west side of downtown Atlanta known as the "Western Trunk" to access to the MMPT, and to jointly pursue certain other actions to improve the transportation network in the Atlanta area, and enhance mobility and intermodal connectivity.

WHEREAS, currently the Surface Transportation Board is holding in abeyance, STB Docket No. AB-290 and STB Finance Docket No. 35215, and any decision in regards to the opposition proffered by GDOT and AMTRAK until March 23, 2009 at which time all parties are scheduled to provide a final outcome to the Board.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Atlanta, Georgia, as follows:

Section 1: That the Mayor his authorized to execute the Beltline Framework Agreement between the City Of Atlanta, Atlanta Regional Transportation Implementation Board, Atlanta Regional Commission, Atlanta Development Authority, Georgia Department Of Transportation, Georgia Regional Transportation Authority and The National Railroad Passenger Corporation (AMTRAK).

Section 2: A copy of the agreement that has been approved by all parties is attached hereto as exhibit "A".

Section 3: All resolutions and parts of resolutions in conflict with this Resolution are hereby repealed to the extent of such conflict.

FRAMEWORK AGREEMENT

By and Between

Georgia Department of Transportation

National Railroad Passenger Corporation

City of Atlanta, Georgia

Georgia Regional Transportation Authority

Atlanta Regional Commission

Atlanta Regional Transportation Implementation Board

Metropolitan Atlanta Rapid Transit Authority

Atlanta Development Authority

This Framework Agreement, dated as of March __, 2009, among the National Railroad Passenger Corporation (Amtrak); Georgia Department of Transportation (GDOT); Georgia Regional Transportation Authority (GRTA); City of Atlanta, Georgia (“the City”); Atlanta Regional Commission (ARC); Atlanta Regional Transportation Implementation Board (TIB); the Metropolitan Atlanta Rapid Transit Authority (MARTA); and the Atlanta Development Authority (Development Authority) (collectively “the Parties”) sets forth the principles of cooperation agreed to among them regarding actions to advance certain transportation and redevelopment initiatives in the Atlanta Region.

WHEREAS, the City and certain of its associated development authorities/affiliates have plans to utilize properties known as the “Decatur Belt Line” along the northeastern side of Atlanta for the “BeltLine Project”, an innovative redevelopment effort that will combine greenspace, trails, light rail transit, and new development along 22 miles of historic rail segments that encircle Atlanta’s urban core; and

WHEREAS, redevelopment of the Decatur Belt Line requires Norfolk Southern Railway Company, which holds an easement for railroad operations over those properties, to obtain prior approval, or exemption from prior approval requirements, from the Surface Transportation Board (“STB”) so that it may abandon rail operations over the Decatur Belt Line and relinquish its easement; and

WHEREAS, GDOT and Amtrak have identified alternative transportation uses of the Decatur Belt Line for the purpose of providing access for intercity, commuter and high-speed passenger rail service to a planned downtown Atlanta intermodal station and hub, known as the Multi Modal Passenger Terminal (“MMPT”), and have opposed abandonment of railroad operations on the Decatur Belt Line; and

WHEREAS, the Parties agree that the BeltLine Project; the development of the MMPT; the development of a Northeast Atlanta Intermodal Station (“the Northeast IMS”); and the improvement of the railroad network in the Atlanta region to facilitate the movement and development of commuter rail, intercity, and high speed passenger rail service and freight rail service are mutually important, desirable for the improvement of transportation services within the Atlanta area, and necessary for the orderly future development of Atlanta and the surrounding region; and

WHEREAS, the Parties also agree that these projects should be pursued in a mutually compatible fashion in order to make it possible for the goals and benefits of all of them to be realized; and

WHEREAS, to achieve this objective, the Parties have agreed to focus their future efforts on actions that would enable commuter, intercity and high-speed passenger rail service that utilize the north-south railroad lines on the west side of downtown Atlanta known as the “Western Trunk” to access to the MMPT, and to jointly pursue certain other actions to improve the transportation network in the Atlanta area, and enhance mobility and intermodal connectivity, as described below.

NOW THEREFORE, the Parties hereby agree as follows:

1. STB Proceedings: Within five days of the execution of this agreement:

a. GDOT and Amtrak will file with the STB in STB Docket No. AB-290 (Sub.-No. 210X) a statement withdrawing their requests for a stay of the abandonment of the Decatur Belt Line, and advising the STB that they do not oppose that abandonment; and

b. Amtrak will file with the STB in STB Finance Docket No. 35215 a statement withdrawing its notice of intent to file an application to condemn Norfolk Southern’s easement for rail operations on the Decatur Belt Line.

2. State Rail Plan: The Parties shall cooperate in the development of a state rail plan that meets the requirements of chapter 227 of title 49 of the U.S. Code. The plan shall address, among other things, freight line capacity; freight train routings and train densities; potential alternate routes for through freight traffic passing through the Atlanta area; the infrastructure improvements required to provide additional capacity for freight and passenger rail; updated plans for intercity, commuter and high-speed passenger rail service; and plans for utilizing available federal and other funding for the investments required to implement the state rail plan.

3. MMPT: The Parties shall cooperate in updating the design for the MMPT to facilitate more efficient operations and reflect current assumptions regarding use of the Western Trunk to access the MMPT, including provision for north-south rail platforms and for trains to reverse direction.

4. Northeast IMS: The Parties shall cooperate in a study to determine the feasibility and potential of also developing a Northeast IMS at an existing station on MARTA's north-south line to accommodate commuter, intercity and high-speed passenger rail service, and to facilitate connectivity among these services, MARTA, and other local transit services.

5. Western Trunk: The Parties shall cooperate, and encourage the cooperation and support of other stakeholders including the freight railroads that serve Atlanta, in studies of current and projected future rail freight traffic flows through the Atlanta region, and of ways to provide enhanced fluidity and capacity for this traffic while also providing capacity for passenger rail service on the Western Trunk. The studies shall include consideration of routing alternatives for rail freight traffic; of the capacity and other infrastructure improvements that would be required to accommodate passenger rail service on the Western Trunk without compromising rail freight service; and identification of the public investments that would be required to achieve these objectives and of the public benefits that would result from their realization.

6. Acknowledgements: The Parties acknowledge that the viability of the Western Trunk as a route for commuter, intercity and high-speed passenger rail service requires further detailed analysis and while technically possible, may not ultimately be available or feasible. The Parties acknowledge there are several issues which cannot be conclusively resolved at this point in time which will impact and possibly prevent the region's ability to participate in commuter, intercity or high-speed passenger rail service along the Western Trunk, including, but not limited to: cost, available rail capacity to accommodate passenger traffic, safety concerns over necessary passenger rail movements to access the current proposed MMPT location, and possible lack of consent by freight railroad stakeholders who are not party to this Agreement. Regardless, the Parties are committed to a coordinated effort to bring the above transportation modes to the Atlanta Region in a safe, efficient and cost effective manner.

7. Coordination: The Parties recognize the importance of coordinating their plans and actions to take into account the needs and plans of all transportation modes in the Atlanta Region, and to ensure that actions taken in furtherance of the objectives of one mode do not compromise those of another. Accordingly, Georgia Department of Transportation; Georgia Regional Transportation Authority ; City of Atlanta, Georgia; Atlanta Regional Commission ; Atlanta Regional Transportation Implementation Board; the Metropolitan Atlanta Rapid Transit Authority; and the Atlanta Development Authority agree to develop a specific implementation plan to be delivered to the Executive Committee no later than 90 days from the effective date of this instrument. These aforementioned parties, in consultation with Norfolk Southern Railway, CSX Transportation, Amtrak, Central Atlanta Progress, and Atlanta Beltline, Inc., will communicate with each other regarding proposed plans and actions by one party that may

impact others, to confer regularly to oversee the progress of the joint actions contemplated in this Framework Agreement, and to discuss and coordinate their planning activities and actions.

IN WITNESS WHEREOF, the Parties hereto have executed this Framework Agreement through their duly-authorized representatives in multiple counterparts as of the date first written above.

GEORGIA DEPARTMENT OF TRANSPORTATION

By: _____

Title: _____

NATIONAL RAILROAD PASSENGER CORPORATION

By: _____

Title: _____

CITY OF ATLANTA, GEORGIA

By: _____

Title: _____

ATLANTA REGIONAL COMMISSION

By: _____

Title: _____

ATLANTA REGIONAL TRANSPORTATION IMPLEMENTATION BOARD

By: _____

Title: _____

GEORGIA REGIONAL TRANSPORTATION AUTHORITY

By: _____

Title: _____

ATLANTA DEVELOPMENT AUTHORITY

By: _____

Title: _____

METROPOLITAN ATLANTA RAPID TRANSIT AUTHORITY

By: _____

Title: _____